

# EASTERN DISTRICT OF MICHIGAN

## UNITED STATES DISTRICT COURT

### SOUTHERN DIVISION

7

United States of America

V.

Jack Eugene Carpenter III

FILED  
JUL 18 2023  
CLERK'S OFFICE  
DETROIT

Case No: 2:23-mj-30076

Honorable Mark A Goldsmith

Appellate Motion to review record for denial of 6<sup>th</sup> Amendment right to defense due to ineffective assistance of counsel, abuse of discretion in denying a hybrid defense, and procedural issues regarding the court ignoring a challenge to jurisdiction

I apologize if there are issues related to formality, I have no assistance of counsel as the one I was assigned was actively interfering with my defense. I am trying to figure out this process as I go, and I am light on knowledge of Federal court rules. I am aware the appellate court has discretion to dismiss court rules as necessary and that Federal court rules are to be liberally applied in my favor in the interests of justice. I ask that the court adhere to that in this instance.

I respectfully ask to move this court to review the record in Full to validate a procedural issue related to a challenge to In Personam Jurisdiction. I've tried to get on the record that I have challenged jurisdiction at every step of this process; and that this fact is acknowledged in the first thing entered into the record; and had the court and Dept of Justice properly observed the facts available to them a warrant should not have issued in the first place. The complaint itself contains the challenge, al beit in an extremely misrepresented form. As I only possess part of the record at this time, and I have requested the full record, I must reserve the right to amend this motion to modify it when I get the record as I am left to argue this purely from memory. I also do not have access to my discovery although I requested that from defense counsel on April 18<sup>th</sup> 2023. So I can only cite the evidence, I cannot include it.

The facts regarding the challenge to jurisdiction can be found in ECF 14, 26, 27, 17 as well as the letters written to the court. To briefly explain the challenge to the court regarding jurisdiction, and the facts related to it

I must first categorize the argument. Due to the State of Michigan coercing myself into taking experimental medication licensed under 21 CFR 312 for a use outside of its license in order to access the Public Trust I was denied the right to a Republican Form of Government. I exhausted reasonable means to have this issue corrected, and my rights protected, however the State of Michigan refused to honor its required duties outlined in the Michigan Constitution. The measures taken to have my rights defended are listed in the motions that were struck. When the judge in the 15<sup>th</sup> District Court of Ann Arbor left me in want of a neutral magistrate, a state of Nature, by telling me, on record: "Don't you think I know they are experimental?" ... "It's just a matter of policy" I decided that I no longer wanted to have political bonds with people who think it's just "policy" to violate principles in the Nuremberg Code. I decided to exercise rights listed in the Michigan Constitution for when those administering the government start using government to favor a class of citizen's due to an arbitrary and unlawful distinction, and form my own government. The legal theory is written in the publicly posted Declaration of Sovereignty that was sent to the US President, US Senate, US House of Representatives, Michigan Governor, Michigan Senate, Michigan House of Representatives, 2 other States, 2 Foreign Governments and the UN, as well as other places as is customary with International law, but not required. I also claimed 9 sq. miles of land formerly belonging to the US government using 2 theories of International law. The US government gave its assent to this through silence, a lack of challenge. The Declaration of Sovereignty was sent on November 11, 2022.

After thanksgiving I decided I wanted to visit my parents for Christmas so I called the US State Department to obtain a non-immigrant visa to cross my border into the US. After discussing with the US State department what I had done, and they asked: "And the Federal govt. didn't respond?" To which I stated that they did not, and that was assent, they agreed that congress stated its intent to recognize my claims even if some aspects of International law are not met. This is referenced in the DOD Law of War manual, chapter 1. I was then walked through the process to obtain a non-immigrant visa, and given a 1-800 number to call when I got to the part requiring an in-person interview as I pointed out I did not have a consulate.

The correct legal designation for this process is a "lawful Rebellion"

otherwise known as a "lawful International Armed Conflict." There are rules to this perfectly lawful, and rational process, I followed them in such a way that the US government had to assent or they had to start an act of aggression against my new government, which required a legal reason to use force, and I wouldn't give them one. To make a long story short, here we are with them using the US Justice system to try to stick me in a mental institution. Which if the US government was being honest they would include me telling them they would try this in email and twitter between December 8<sup>th</sup> and January 5<sup>th</sup>. To make a point on that, I was arrested in February. They filed a motion for competency on March 24<sup>th</sup>. I'm so irrational I predicted my arrest, and the government strategy on the internet at some point ~1 month before it happened. I also told them I was making tweets regarding tarot and my religion so they would do exactly what they did. I also advised them not to let me into a court because I'll put what I know about the Pandemic on the record. The District Court can't strike an appeal from the record, looks like letters stick to it as well.

On November 18<sup>th</sup>, 2022 the US State Department publicly stated that the Head of State of a Foreign Government, like the one I created using US law, are immune from US courts. I've made this challenge several times, it keeps getting ignored or struck from the record.

Regarding the ineffective assistance of counsel, I have set out a series of facts regarding the behavior of counsel in regards to the challenge of jurisdiction and competency. He is aware that the motion for competency was made in bad faith to discredit two things:

1. My argument regarding jurisdiction
2. The licensing of the Covid injections and 21 CFR 312.7 making it unlawful for a sponsor of a drug (the US govt in operation warp speed) to claim the drugs are "safe" or "effective" or otherwise market them. To do so is fraud through misrepresentation in every state.

The above is why both of those claims are made in the motion. I pointed this out in ECF 26. It starts on the first line where I state they do not have a "reasonable belief" of incompetency, then explain it's to apply a mental health stigma to me to discredit me in the public.

My lawyer refused to argue this bad faith issue, the motion granting the order to allow the competency issue to move forward states that

I never argued the bad faith claim I made in a motion struck because I didn't speak through my representative that was playing dumb.

As explained in my letters on the record, I told my counsel to speak, he refused. I spoke for myself, the judge suppressed what I said from the record claiming that it was his discretion to do so, and I needed to speak through the person refusing to speak. As the letters explained, this was due to his personal beliefs in regards to my argument. Once I put that in a letter on the record, he called me a liar, though phone records will show I am not. Not that calling the State Department was required. I did it because it's supplemental evidence that the US government interacted with me as a foreign government. Many people like to falsely argue that the absence of evidence is ~~the~~ evidence of absence, and that is false logic. For example, when Dana Mertz came to give me the ruling for competency, and I pointed out that JP and her could have verified the call to the State Department through my phone records, and tracked down who I spoke to, I got the question: "Well, what if they didn't log the call" or something to that effect. I guess that rationalized not looking and calling me a liar. I'm not sure, it didn't make sense to me. But what do I know, the government thinks I don't know what is going on, and can't do things like point out these legal facts and illegal motivations for behavior. I apologize for the disdain and sarcasm, but this is all quite absurd.

To think that all this could have been avoided if former president Trump didn't sign an executive order in September of 2019 creating a group including Dr Fauci to "manufacture Public demand" and "Manufacture Public funding" of new vaccine technologies, like cell therapy (MENA). Then Eco-Alliance health didn't ask DARPA for funding to release a modified Coronavirus into the Bat Population in China and people didn't write a letter in the Lancet saying anyone that thought it leaked from a Lab was a Conspiracy theorist; and President Biden didn't get on TV to say "What are you waiting for, it's FDA approved" When Pfizer stated they had no intention of manufacturing an FDA approved version; Then Pfizer didn't testify in the European Union they didn't test for preventing Sars-cov-2 because it's licensed ~~not~~ to prevent Covid 19, not Sars-cov-2, and the University of Michigan didn't try to force me to take medication legally defined as experimental for a use outside of its license; Then I would just be some old Jack working to help keep the computers at UofM



running. Instead of sitting in a federal detention center formally charged with a commercial regulation absent an act of commerce while the US government argues I'm schizophrenic and don't understand reality so that people don't listen to me and revolt, because they have every right to.

I've lost my patience to be cordial. The behavior of the US Justice System solidifies my understanding that I have no interest being subject to the laws they don't follow. The hearts of those that administer it are corrupt, full of deceit and malice.

A fact I'd like to add that the record will not reflect is that when JP, assigned counsel, filed something in my case without approval then admitted he prejudiced my argument for jurisdiction by equating it to the Sovereign Citizen movement, which I had explained previously to him was not accurate at all; Then claimed I was a Qanon follower, which I am not; Then suggested that I get my ideas from Netflix TV shows; Then added a study with the title including the words "odd legal claims", that the purpose of my call was to sit down and discuss a motion I had written to reply, then have him supplement it. He said that: "If he had time, he would stop by." Which is what prompted me telling him not to file a reply without me reading it. After he did not show up for 2 days, I copied it and sent it to him. Then I got his from the court, already filed.

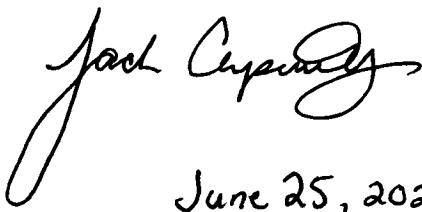
If you notice, the dates between ECF 20 and 21 is 4 days. There is no legitimate reason he had to not come to discuss my defense strategy instead of filing something that was detrimental to the defense I wished to put forward. Before being moved from Livingston County I confirmed that the commissary charge record reflected the dates I had the motion copied and mailed to show that his motion claimed I was a sovereign citizen and Qanon follower, while mine said I was not, and having never read his motion.

He did that to purposefully discredit my challenge to jurisdiction. He also told me that he had no issue with me filing every motion I filed but 2, then let the court strike them. His behavior is not only unreasonable it's clearly malicious. For these reasons I approach the court for relief.

I motion to have the jurisdictional challenges both In Personam, then Subject matter heard on the merits. The prose hybrid defense request heard on the merits with knowledge of defense counsel's behavior. If for some reason this case still exists, the competency motion heard with my words acknowledged on the record within judicial notice. Thank you.

I am a detainee confined in the Milan Detention Center in Milan, MI. Today, June 25, 2023 I am depositing an Appellate motion to review record for denial of 6<sup>th</sup> Amendment right to defense due to ineffective assistance of counsel, abuse of discretion in denying a hybrid defense and procedural issues regarding a challenge to jurisdiction in my case in the institutions mailing system.

I declare that the foregoing is true to the best of my ability absent access to the full record and discovery. (see 28 U.S.C. § 1746; 18 U.S.C. § 1621)



June 25, 2023

Jack Carpenter

NAME

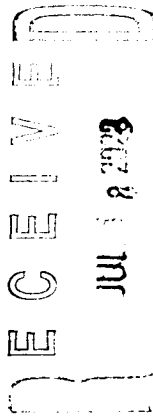
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FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 1000

MILAN, MICHIGAN 48160



MARK A. GOLDSMITH  
U.S. DISTRICT JUDGE  
EASTERN DISTRICT OF MICHIGAN

Clerk of the Court of

Honorable Mark A Goldsmith

Theodore Levin US Courthouse

231 west Lafayette Blvd, 5th Floor

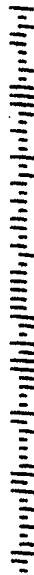
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